



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

March 1, 2018
Certified Mail/Return Receipt
7012 3460 0003 1112 9509

Sutter County WWD#1 - Robbins
1130 Civic Center Blvd. Suite A
Yuba City, CA 95991

Attention: Guadalupe Rivera, Water Resources Engineer

**Subject: Sutter County WWD#1 - Robbins, Public Water System No. 5100107 –
Compliance Order for Violation of Secondary Drinking Water Standards.**

The enclosed Compliance Order No. 21-18R-001 (Order) is hereby issued by the State Water Resources Control Board to the Sutter County Water Works District #1 - Robbins (System) for exceedance of the short term drinking water standards for chloride, total dissolved solids, and specific conductance. This Order places a service connection limit on the System, and requires concurrent correction of these other water quality constituents along with the arsenic remediation project.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

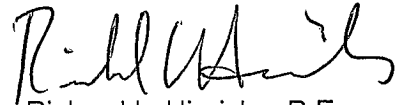
For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order. In accordance with Section 116577, the System will be invoiced approximately two hours of staff time for the preparation and issuance of this Order.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

If you have any questions please call Reese Crenshaw at (530) 224-4861 or contact me directly at (530) 224-4867.

A handwritten signature in black ink, appearing to read "Richard L. Hinrichs".

Richard L. Hinrichs, P.E.
Chief, Northern California Section
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosure

cc: Jeff Williams, Sutter County Environmental Health

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Sutter County WWD#1 - Robbins
Attn: Guadalupe Rivera, Water Resources Engineer
1130 Civic Center Blvd. Suite A
Yuba City, CA 95991

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**COMPLIANCE ORDER FOR VIOLATION OF CALIFORNIA SAFETY
CODE, SECTION 116555(a)(1), AND THE SECONDARY DRINKING WATER
STANDARDS FOR TOTAL DISSOLVED SOLIDS, SPECIFIC CONDUCTANCE,
AND CHLORIDE.**

COMPLIANCE ORDER NO. 21-18R-001

Sutter County WWD#1 (Robbins)

System No. 5100107

Issued: March 1, 2018

Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act or any regulation, standard, permit, or order issued thereunder.

1 The State Water Resources Control Board (hereinafter "Board"), acting by and
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
3 for the Division, hereby issues this compliance order (hereinafter "Order") pursuant
4 to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to
5 the Sutter County Water Works District #1 (Robbins) for violation of CHSC section
6 116555(a)(1) and title 22, California Code of Regulations (hereinafter "CCR"),
7 Section 64449.

8 9 **APPLICABLE AUTHORITIES**

10 See Attachment 'A' for applicable authorities.
11

12 **STATEMENT OF FACTS**

13 The Sutter County WWD#1 (Robbins) water system (hereinafter, "System") is
14 classified as a community water system located in Sutter County that supplies water
15 for domestic purposes to approximately 350 people. The System's primary source of
16 drinking water is from the Wagner Aviation Well (Well 02), and it utilizes the
17 Sacramento Blvd Well as a standby well. Well 02 is treated for iron and manganese
18 by a greensand filtration process (plant). The System is under Compliance Order 01-
19 21-09(O) 51001 (Issued January 2009) and Compliance Order 21-15R-008 (Issued
20 December 11, 2015) to comply with the arsenic maximum contaminant level (MCL)
21 for System's drinking water. In response to these compliance orders the System
22 acquired Proposition 1 state funding to conduct a feasibility study to determine the
23 most feasible alternative for complying with the arsenic MCL. The System is also
24 under Compliance Order 21-16R-005, issued September 28, 2016, for exceedance
25 of the manganese standard in the treated water.
26

The following table indicates that the System is out of compliance with all MCL ranges for total dissolved solids (TDS), specific conductance (SC), and chloride:

Wagner Aviation Well (Well 02) Historical Secondary Constituent Levels

Secondary Constituent	Range of Levels	Date Range	Recommended MCL Limit*	Upper MCL Limit*	Short Term MCL Limit**
TDS (mg/L)	752 – 2100	2001 - 2016	500	1000	1500
SC (uS/cm)	1250 – 3300	2000 - 2017	900	1600	2200
Chloride (mg/L)	271 - 968	2000 - 2017	250	500	600
* MCL ranges per Section 64449 of the CCR.					
** Short term levels must be addressed with treatment or a new water source.					

The most recent test results shown below for Well 02 exceed the Short Term MCL limits:

- 2,100 mg/L for TDS (collected 2-2-2016)
- 3300 uS/cm for SC (collected 2-1-2017)
- 968 mg/L for Chloride (collected 2-1-2017)

The treatment plant does not remove these contaminants.

The regulations do not provide for averaging of the contaminant concentrations, nor a waiver process for these constituents.

In an electronic mail addressed to several Division staff dated February 23, 2018, Mr. Eduardo Ramos, P.E., acting on behalf of the System as a Sutter County civil engineer, stated that reverse osmosis (RO) point of use (POU) treatment for arsenic removal, which would also remediate the total dissolved solids, specific conductance, and chloride contamination, would not be a viable option for the

1 System. Mr. Ramos stated the Division's conservatively estimated flow to the waste
2 water treatment plant from the POU RO reject water, which is based on a 1 to 1
3 reject rate (50%), and conservatively estimated at 60% of the 30 gallons per day
4 capacity of the proposed POU unit, resulting in approximately 1,500 to 2,000 gallons
5 per day of reject water for the system, would overload the waste water treatment
6 plant. Mr. Ramos thereafter refused to test a donated RO POU unit from Culligan of
7 Chico during a pilot test of several different arsenic removal medias in a Proposition
8 1 funded feasibility project for drinking water supply improvements.

9
10 The Cleanup and Abatement bottled water grant for the System from January 7,
11 2015, to January 31, 2018, has provided approximately 5,620 gallons per month of
12 bottled water on average during the period to consumers. This equates to
13 approximately 190 gallons per day (2 gallons per day per connection). The POU RO
14 reject water should be as low as this amount.

15
16 On July 16, 2016, the consulting firm Wood Rodgers provided a final Technical
17 Memorandum for a Proposition 84 funded feasibility study for the arsenic and TDS,
18 chloride, and specific conductivity contaminant remediation. In that report, an old
19 1993 test well from a Boyle Engineering study (the Del Monte Well) was modified by
20 filling in the lower two of three screened sections. This modified well became known
21 as TW 93-1. TW 93-1 was pumped and tested several times over several months
22 between January 24, 2014 and October 16, 2014 with pumping durations lasting up
23 to two days.

24
25 The water from TW 93-1 was utilized in offsite pilot testing with the coagulation /
26 filtration treatment process for the removal of arsenic. The test results from TW 93-1
27 indicated a TDS of 600 mg/L, chloride of 220 mg/L, and specific conductivity

1 averaging 1,100 uS/cm. The use of a new proposed well site within 200 feet of TW
2 93-1 was implicitly recommended by the Technical Memorandum since a California
3 Certified Geologist, Engineering Geologist, and Hydrogeologist certified the
4 proposed site would be expected to have the same water quality as the TW 93-1
5 location. In addition, TW 93-1 produced water that was lower in arsenic and
6 manganese than Well 02.

8 **DETERMINATIONS**

9 Based on the above Statement of Facts, The Division has determined that the
10 System is in violation of Section 116555(a) (1) of the CHSC and Section 64449, Title
11 22, of the CCR, because it does not provide a supply of pure, wholesome, healthful
12 water, and in addition to failing to meet the arsenic MCL, it does not comply with the
13 Secondary Drinking Water Standard MCL ranges for Total Dissolved Solids, Specific
14 Conductance, and Chloride.

16 **DIRECTIVES**

17 This compliance order includes the following directives for the System:

- 19 1. The System shall incorporate into the arsenic remediation construction
20 phase of the project, a solution to reduce total dissolved solids, specific
21 conductance, and chloride levels to below the upper maximum
22 contaminant levels specified in Section 64449 of the CCR (total dissolved
23 solids less than 1,000 mg/L, SC less than 1,600 uS/cm, and chlorides less
24 than 500 mg/L).
- 26 2. The System shall not exceed 93 water service connections until otherwise
27 notified in writing from the Division.

- 1
- 2 3. The System must provide Tier 3 public notification of the aforementioned
- 3 secondary constituent MCL exceedances by inclusion into the annual
- 4 Consumer Confidence Report, per Section 64463.7(d) of the CCR. Until
- 5 further notification in writing from the Division, all annual Consumer
- 6 Confidence Reports shall be provided to the Division for review and
- 7 comment prior to distribution, and shall meet all of the elements of the
- 8 Consumer Confidence Guidance for Water Suppliers published on the
- 9 Division's web site.
- 10
- 11 4. The System shall test for total dissolved solids, chlorides, and specific
- 12 conductance on a calendar quarterly basis from Well 02.
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- 14
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16 All submittals required by this Order shall be addressed to:

17 Reese B. Crenshaw, P.E.
18 Valley District Engineer
19 Drinking Water Field Operations
20 Division of Drinking Water
21 State Water Resources Control Board
22 364 Knollcrest Drive, Suite 101
23 Redding, CA 96002
24 (530) 224-4800

25

26 Nothing in this Order relieves the System of its obligation to meet the requirements
27 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe

1 The Division reserves the right to make such modifications to this Order, as it may
2 deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Order and shall be effective upon issuance.
4

5 **FURTHER ENFORCEMENT ACTION**

6 The California SDWA authorizes the Board to: issue citation with assessment of
7 administrative penalties to a public water system for violation or continued violation
8 of the requirements of the California SDWA or any permit, regulation, permit or order
9 issued or adopted thereunder including, but not limited to, failure to correct a
10 violation identified in a citation or compliance order. The California SDWA also
11 authorizes the Board to take action to suspend or revoke a permit that has been
12 issued to a public water system if the system has violated applicable law or
13 regulations or has failed to comply with an order of the Board; and to petition the
14 superior court to take various enforcement measures against a public water system
15 that has failed to comply with violates an order of the Board. The Board does not
16 waive any further enforcement action by issuance of this citation.
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18 **PARTIES BOUND**

19 This Order shall apply to and be binding upon the System, its officers, directors,
20 agents, employees, contractors, successors, and assignees.
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SEVERABILITY

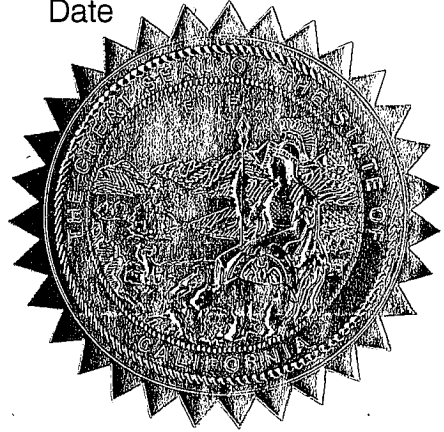
The directives of this Order are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.



Richard L. Hinrichs, P.E., Chief
Northern California Section
State Water Resources Control Board
Division of Drinking Water

3/1/2018

Date



APPLICABLE AUTHORITIES

Section 116655 of the CHSC states:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

- 1) Directing compliance forthwith.*
- 2) Directing compliance in accordance with a time schedule set by the state board.*
- 3) Directing that appropriate preventive action be taken in the case of a threatened violation.*

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- 1) That the existing plant, works, or system be repaired, altered, or added to.*
- 2) That purification or treatment works be installed.*
- 3) That the source of the water supply be changed.*
- 4) That no additional service connection be made to the system.*
- 5) That the water supply, the plant, or the system be monitored.*
- 6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the state board.*

Section 116555 of the CHSC states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- 1) Complies with primary and secondary drinking water standards.*
- 3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.*

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board,*

should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Section 64449 of the California Code of Regulations (CCR):

Table 64449-B
Secondary Maximum Contaminant Levels
"Consumer Acceptance Contaminant Level Ranges"

Maximum Contaminant Level Ranges			
Constituent, Units	Recommended	Upper	Short Term
Total Dissolved Solids, (mg/L or	500	1,000	1,500
Specific Conductance, µS/cm	900	1,600	2,200
Chloride, mg/L	250	500	600
Sulfate, mg/L	250	500	600

(d) For the constituents shown on Table 64449-B, no fixed consumer acceptance contaminant level has been established.

(1) Constituent concentrations lower than the Recommended contaminant level are desirable for a higher degree of consumer acceptance.

(2) Constituent concentrations ranging to the Upper contaminant level are acceptable if it is neither reasonable nor feasible to provide more suitable waters.

(3) Constituent concentrations ranging to the short term contaminant level are acceptable only for existing community water systems on a temporary basis pending construction of treatment facilities or development of acceptable new water sources.

Section 64463.7(d) of the CCR states in relevant part:

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

(1) Is given no later than one year after the water system learns of the violation or occurrence;

(2) Includes the content specified in section 64465; and

(3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).